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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-0627 EMC
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
KELLY DARLING)	
)	
Defendant.)	
_____)	

The parties are scheduled to appear before this Court on October 21, 2009 for status. Defense counsel has requested additional time to complete further investigation that would be helpful to determine whether the parties can resolve the can or whether the defense will file a motion to suppress evidence. The defense requests that the matter be continued to November 24, 2009 at 9:30 a.m. Based on the aforementioned information, the government has no objection to the request.

The parties also agree that the time between October 21, 2009 and November 24, 2009 should be excluded under the Speedy Trial Act. The continuance is necessary for continuity of defense counsel and represents the reasonable time necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting

1 such a continuance outweigh the best interests of the public and the defendant in a speedy trial.
2 18 U.S.C. § 3161(h)(7)(A).

3 SO STIPULATED:

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6 DATED: October 20, 2009

7 /s/
8 ACADIA SENESE
9 Special Assistant United States Attorney

10 DATED: October 20, 2009

11 /s/
12 SHAWN HALBERT
13 Assistant Federal Public Defender

14 For the reasons stated above, the Court finds that the continuance of time for the next
15 hearing before this court from October 21, 2009 to November 24, 2009 is warranted because the
16 failure to grant the requested continuance would deny the defendant continuity of counsel and
17 effective preparation of counsel; thus, the ends of justice served by the continuance outweigh the
18 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(7)(A),
19 (h)(7)(B)(iv).

20 SO ORDERED.

21 DATED: 11/24/09

22 THE HONORABLE EDWARD M. CHEN
23 United States Magistrate

